

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the First
Amended Accusation Against:**

Michele Anne Brown, M.D.

Case No. 800-2016-019634

**Physician's and Surgeon's
Certificate No. A 62756**

Respondent

DECISION

**The attached Stipulated Surrender of License and Order is hereby adopted
as the Decision and Order of the Medical Board of California, Department of
Consumer Affairs, State of California.**

This Decision shall become effective at 5:00 p.m. on January 4, 2018.

IT IS SO ORDERED December 28, 2017.

MEDICAL BOARD OF CALIFORNIA

By:


**Kimberly Kirchmeyer
Executive Director**

XAVIER BECERRA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General
LEANNA E. SHIELDS
Deputy Attorney General
State Bar No. 239872
600 West Broadway, Suite 1800
San Diego, CA 92101
P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 738-9401
Facsimile: (619) 645-2061

Attorneys for Complainant

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the First Amended Accusation
Against:

MICHELE ANNE BROWN, M.D.
935 Genter Street, Unit 408
San Diego, CA 92037-5530

Physician's and Surgeon's Certificate No.
A62756

Respondent.

Case No. 800-2016-019634

OAH No. 2017080538

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

PARTIES

1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board of California (Board), Department of Consumer Affairs. She brought this action solely in her official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by LeAnna E. Shields, Deputy Attorney General.

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2. Michele Anne Brown, M.D. (respondent) is represented in this proceeding by attorney Steve Zeigen, Esq., whose address is Rosenberg, Shpall & Zeigen, APLC, 750 "B" Street, Suite 3210, San Diego, California, 92101.

3. On or about June 20, 1997, the Board issued Physician's and Surgeon's Certificate No. A62756 to respondent. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in the First Amended Accusation No. 800-2016-019634 and will expire on October 31, 2018, unless renewed.

4. On or about April 27, 2017, an Interim Order of Suspension was issued pursuant to Government Code section 11529 which immediately suspended respondent's Physician's and Surgeon's Certificate No. A62756 and prohibited respondent from practicing medicine in the State of California pending further order from the Office of Administrative Hearings. The Interim Order of Suspension remains in full force and effect as of the effective date of this Stipulated Surrender and Disciplinary Order.

JURISDICTION

5. On December 12, 2017, the First Amended Accusation No. 800-2016-019634 was filed before the Board and is currently pending against respondent. A true and correct copy of the First Amended Accusation No. 800-2016-019634 and all other statutorily required documents were properly served on respondent on December 12, 2017. Respondent timely filed her Notice of Defense contesting the Accusation. A true and correct copy of the First Amended Accusation No. 800-2016-019634 is attached hereto as Exhibit A and incorporated by reference as if fully set forth herein.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and fully understands the charges and allegations in the First Amended Accusation No. 800-2016-019634. Respondent also has carefully read, fully discussed with counsel, and fully understands the effects of this Stipulated Surrender of License and Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the First Amended Accusation; the right to confront and

1 cross-examine the witnesses against her; the right to present evidence and to testify on her own
2 behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the
3 production of documents; the right to reconsideration and court review of an adverse decision;
4 and all other rights accorded by the California Administrative Procedure Act and other applicable
5 laws.

6 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
7 every right set forth above.

8 CULPABILITY

9 9. Respondent admits the truth of each and every charge and allegation in the First
10 Amended Accusation No. 800-2016-019634, agrees that cause exists for action and discipline and
11 hereby surrenders her Physician's and Surgeon's Certificate No. A62756 for the Board's formal
12 acceptance.

13 10. Respondent understands that by signing this stipulation she enables the Board to issue
14 an order accepting the surrender of her Physician's and Surgeon's Certificate without notice to, or
15 opportunity to be heard by, respondent.

16 11. With respondent's early acknowledgment that cause exists for the Board's action,
17 complainant finds good cause under Business and Professions Code section 2307, subdivision
18 (b)(1), and thereby agrees that respondent may file a petition for reinstatement two years after the
19 effective date of the Board's Decision.

20 CONTINGENCY

21 12. Business and Professions Code section 2224, subdivision (b), provides, in pertinent
22 part, that the Medical Board "shall delegate to its executive director the authority to adopt a ...
23 stipulation for surrender of a license."

24 13. Respondent understands that, by signing this stipulation, she enables the Executive
25 Director of the Board to issue an order, on behalf of the Board, accepting the surrender of her
26 Physician's and Surgeon's Certificate No. A62756 without further notice to, or opportunity to be
27 heard by, respondent.

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1 14. This Stipulated Surrender of License and Disciplinary Order shall be subject to the
2 approval of the Executive Director on behalf of the Board. The parties agree that this Stipulated
3 Surrender of License and Disciplinary Order shall be submitted to the Executive Director for her
4 consideration in the above-entitled matter and, further, that the Executive Director shall have a
5 reasonable period of time in which to consider and act on this Stipulated Surrender of License and
6 Disciplinary Order after receiving it. By signing this stipulation, respondent fully understands
7 and agrees that she may not withdraw her agreement or seek to rescind this stipulation prior to the
8 time the Executive Director, on behalf of the Medical Board, considers and acts upon it.

9 15. The parties agree that this Stipulated Surrender of License and Disciplinary Order
10 shall be null and void and not binding upon the parties unless approved and adopted by the
11 Executive Director on behalf of the Board, except for this paragraph, which shall remain in full
12 force and effect. Respondent fully understands and agrees that in deciding whether or not to
13 approve and adopt this Stipulated Surrender of License and Disciplinary Order, the Executive
14 Director and/or the Board may receive oral and written communications from its staff and/or the
15 Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the
16 Executive Director, the Board, any member thereof, and/or any other person from future
17 participation in this or any other matter affecting or involving respondent. In the event that the
18 Executive Director on behalf of the Board does not, in her discretion, approve and adopt this
19 Stipulated Surrender of License and Disciplinary Order, with the exception of this paragraph, it
20 shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied
21 upon or introduced in any disciplinary action by either party hereto. Respondent further agrees
22 that should this Stipulated Surrender of License and Disciplinary Order be rejected for any reason
23 by the Executive Director on behalf of the Board, respondent will assert no claim that the
24 Executive Director, the Board, or any member thereof, was prejudiced by its/his/her review,
25 discussion and/or consideration of this Stipulated Surrender of License and Disciplinary Order or
26 of any matter or matters related hereto.

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17. The parties agree that copies of this Stipulated Surrender of License and Disciplinary Order, including copies of the signatures of the parties, may be used in lieu of original documents and signatures and, further, that such copies shall have the same force and effect as originals.

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IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A62756, issued to respondent Michele Anne Brown, M.D., is surrendered and accepted by the Medical Board of California.

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1 correct and fully admitted by respondent when the Board determines whether to grant or deny the
2 petition.

3 6. If respondent should ever apply or reapply for a new license or certification, or
4 petition for reinstatement of a license, by any other health care licensing agency in the State of
5 California, all of the charges and allegations contained in the First Amended Accusation, No.
6 800-2016-019634 shall be deemed to be true, correct, and fully admitted by respondent for the
7 purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

8 **ACCEPTANCE**

9 I have carefully read and fully understand this Stipulated Surrender of License and Order. I
10 have fully discussed it with my attorney, Steve Zeigen, Esq., and I fully understand the stipulation
11 and the effect it will have on my Physician's and Surgeon's Certificate No. A62756. I enter into
12 this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and
13 agree to be bound by the Decision and Order of the Medical Board of California.

14
15 DATED: 12/18/17 Michele Anne Brown
16 MICHELE ANNE BROWN, M.D.
17 Respondent

18 I have read and fully discussed with Respondent Michele Anne Brown, M.D. the terms and
19 conditions and other matters contained in this Stipulated Surrender of License and Order. I
20 approve its form and content.

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22 DATED: 12/18/17 [Signature]
23 STEVE ZEIGEN, ESQ.
24 Attorney for Respondent

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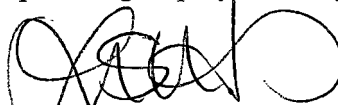
ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
for consideration by the Medical Board of California of the Department of Consumer Affairs.

Dated: 12.18.17

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General



LEANNA E. SHIELDS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

First Amended Accusation No. 800-2016-019634

XAVIER BECERRA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General
LEANNA E. SHIELDS
Deputy Attorney General
State Bar No. 239872
600 West Broadway, Suite 1800
San Diego, CA 92101
P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 738-9401
Facsimile: (619) 645-2061

Attorneys for Complainant

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the First Amended Accusation
Against:

MICHELE ANNE BROWN, M.D.
935 Genter Street, Unit 408
San Diego, CA 92037-5530

Physician's and Surgeon's Certificate
No. A62756,

Respondent.

Case No. 800-2016-019634

FIRST AMENDED ACCUSATION

(Cal. Gov. Code, § 11507.)

Complainant alleges:

PARTIES

1. Kimberly Kirchmeyer (Complainant) brings this First Amended Accusation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On or about June 20, 1997, the Medical Board issued Physician's and Surgeon's Certificate No. A62756 to Michele Anne Brown, M.D. (respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2018, unless renewed.

3. On or about April 27, 2017, an Interim Order of Suspension was issued immediately suspending respondent's Physician's and Surgeon's Certificate No. A62756 and prohibiting her from practicing in the State of California pending a final decision on this matter. Respondent remains suspended from the practice of medicine as of the date of the filing of this Accusation.

JURISDICTION

4. This First Amended Accusation which supersedes the Accusation filed on June 14, 2017, in the above-entitled matter, is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

5. Section 2227 of the Code states:

“(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

“(1) Have his or her license revoked upon order of the board.

"(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

"(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

“(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

“(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

“(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations,

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1 continuing education activities, and cost reimbursement associated therewith that are
2 agreed to with the board and successfully completed by the licensee, or other matters
3 made confidential or privileged by existing law, is deemed public, and shall be made
4 available to the public by the board pursuant to Section 803.1.”

5 6. Section 2234 of the Code states, in pertinent part:

6 “The board shall take action against any licensee who is charged with
7 unprofessional conduct. In addition to other provisions of this article, unprofessional
8 conduct includes, but is not limited to, the following:

9 “(a) Violating or attempting to violate, directly or indirectly, assisting in or
10 abetting the violation of, or conspiring to violate any provision of this chapter.

11 “...”

12 7. Unprofessional conduct under section 2234 of the Code is conduct which breaches
13 the rules or ethical code of the medical profession, or conduct which is unbecoming a member in
14 good standing of the medical profession, and which demonstrates an unfitness to practice
15 medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 575.)

16 8. Section 2236 of the Code states, in pertinent part:

17 “(a) The conviction of any offense substantially related to the qualifications,
18 functions, or duties of a physician and surgeon constitutes unprofessional conduct
19 within the meaning of this chapter. The record of conviction shall be conclusive
20 evidence only of the fact that the conviction occurred.

21 “...”

22 “(c) The clerk of the court in which a licensee is convicted of a crime shall,
23 within 48 hours after the conviction, transmit a certified copy of the record of
24 conviction to the board. The division may inquire into the circumstances surrounding
25 the commission of a crime in order to fix the degree of discipline or to determine if
26 the conviction is of an offense substantially related to the qualifications, functions, or
27 duties of a physician and surgeon.

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1 “(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere
2 is deemed to be a conviction within the meaning of this section and Section 2236.1.
3 The record of conviction shall be conclusive evidence of the fact that the conviction
4 occurred.”

5 9. Section 2237 of the Code states:

6 “(a) The conviction of a charge of violating any federal statutes or regulations
7 or any statute or regulation of this state, regulating dangerous drugs or controlled
8 substances, constitutes unprofessional conduct. The record of the conviction is
9 conclusive evidence of such unprofessional conduct. A plea or verdict of guilty or a
10 conviction following a plea of nolo contendere is deemed to be a conviction within
11 the meaning of this section.

12 “(b) Discipline may be ordered in accordance with Section 2227 or the
13 Division of Licensing may order the denial of the license when the time for appeal
14 has elapsed, or the judgment of conviction has been affirmed on appeal, or when an
15 order granting probation is made suspending the imposition of sentence, irrespective
16 of a subsequent order under the provisions of Section 1203.4 of the Penal Code
17 allowing such person to withdraw his or her plea of guilty and to enter a plea of not
18 guilty, or setting aside the verdict of guilty, or dismissing the accusation, complaint,
19 information, or indictment.”

20 10. Section 2239 of the Code states:

21 “(a) The use or prescribing for or administering to himself or herself, of any
22 controlled substance; or the use of any of the dangerous drugs specified in Section
23 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous
24 or injurious to the licensee, or to any other person or to the public, or to the extent that
25 such use impairs the ability of the licensee to practice medicine safely or more than
26 one misdemeanor or any felony involving the use, consumption, or
27 self-administration of any of the substances referred to in this section, or any

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1 combination thereof, constitutes unprofessional conduct. The record of the
2 conviction is conclusive evidence of such unprofessional conduct.

3 “(b) A plea or verdict of guilty or a conviction following a plea of nolo
4 contendere is deemed to be a conviction within the meaning of this section. The
5 Medical Board may order discipline of the licensee in accordance with Section 2227
6 or the Medical Board may order the denial of the license when the time for appeal has
7 elapsed or the judgment of conviction has been affirmed on appeal or when an order
8 granting probation is made suspending imposition of sentence, irrespective of a
9 subsequent order under the provisions of Section 1203.4 of the Penal Code allowing
10 such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or
11 setting aside the verdict of guilty, or dismissing the accusation, complaint,
12 information, or indictment.”

13 11. Section 4021 of the Code states:

14 “‘Controlled Substance’ means any substance listed in Chapter 2 (commencing
15 with Section 11053) of Division 10 of the Health and Safety Code.”

16 12. Section 4022 of the Code states, in pertinent part:

17 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for
18 self-use in humans or animals, and includes the following:

19 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing
20 without prescription,’ ‘Rx only,’ or words of similar import.

21 “...”

22 13. California Code of Regulations, title 16, section 1360, states:

23 “For the purposes of denial, suspension or revocation of a license, certificate or
24 permit pursuant to Division 1.5 (commencing with Section 475) of the code, a crime
25 or act shall be considered to be substantially related to the qualifications, functions or
26 duties of a person holding a license, certificate or permit under the Medical Practice
27 Act if to a substantial degree it evidences present or potential unfitness of a person
28 holding a license, certificate or permit to perform the functions authorized by the

1 license, certificate or permit in a manner consistent with the public health, safety or
2 welfare. Such crimes or acts shall include but not be limited to the following:

3 Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
4 violation of, or conspiring to violate any provision of the Medical Practice Act.”

5 14. Section 822 of the Code states:

6 “If a licensing agency determines that its licentiate’s ability to practice his or
7 her profession safely is impaired because the licentiate is mentally ill, or physically ill
8 affecting competency, the licensing agency may take action by any one of the
9 following methods:

10 “(a) Revoking the licentiate’s certificate or license,

11 “(b) Suspending the licentiate’s right to practice.

12 “(c) Placing the licentiate on probation.

13 “(d) Taking such other action in relation to the licentiate as the licensing agency
14 in its discretion deems proper.

15 “The Licensing agency shall not reinstate a revoked or suspended certificate or
16 license until it has received competent evidence of the absence or control of the
17 condition which caused its action and until it is satisfied that with due regard for the
18 public health and safety the person’s right to practice his or her profession may be
19 safely reinstated.”

20 **SECTION 822 CAUSE FOR ACTION**

21 **(Mental Illness and/or Physical Illness Affecting Competency)**

22 15. Respondent has subjected her Physician’s and Surgeon’s Certificate No. A62756 to
23 action under section 822 of the Code, in that her ability to practice medicine safely is impaired
24 due to mental illness, and/or physical illness affecting competency, as more particularly alleged
25 hereinafter:

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1 **History of Substance Abuse**

2 16. In 2009, respondent participated in a substance abuse treatment program in Thailand
3 called Channa, currently known as DARA.¹

4 17. In 2010, the Physician Well-Being Committee at the University of California San
5 Diego Health Systems (UCSD) began monitoring respondent's sobriety through random urine
6 testing.

7 18. In April 2010, the UCSD Physician Well-Being Committee referred respondent to the
8 substance abuse treatment program at the Betty Ford Center (BFC).

9 19. On or about May 25, 2010, while driving to BFC, respondent was involved in a
10 vehicle accident. Respondent was arrested for driving while under the influence of alcohol.
11 Respondent's blood alcohol level was determined to be 0.28%.

12 20. On or about September 27, 2010, respondent was convicted by her plea of guilty to a
13 violation of Vehicle Code section 23152, subdivision (b), driving with a blood alcohol level of
14 0.08% or more, a misdemeanor.

15 21. On or about May 26, 2010, respondent entered a 90-day treatment program for
16 substance abuse at BFC. Upon admission, respondent's urine drug screen tested positive for
17 Oxazepam,² tetrahydrocannabinol (THC),³ and ethyl glucuronide, a metabolite of alcohol.

18 22. Respondent was scheduled to be discharged from BFC on August 23, 2010. On or
19 about August 20, 2010, prior to being discharged, respondent and two of her peers at BFC left
20 BFC to visit a nearby venue which had music and alcohol, a violation of her BFC treatment
21 program. Based upon this violation, respondent was required to return to BFC to complete an
22 additional two weeks of treatment.

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24 ¹ Conduct occurring more than seven (7) years from the filing date of this Accusation is for informational
25 purposes only and is not alleged as a basis for disciplinary action.

26 ² Oxazepam is a Schedule IV controlled substance pursuant to Health and Safety Code section 11057,
subdivision (d), and a dangerous drug pursuant to Business and Professions Code section 4022.

27 ³ Tetrahydrocannabinol is a Schedule I controlled substance pursuant to Health and Safety Code section
28 11054, subdivision (d).

1 23. In January 2013, respondent entered a treatment program for substance abuse at
2 Professionals Treatment at Promises Treatment Centers (Promises) and remained at Promises for
3 thirty (30) days.

4 24. In 2014, in addition to the random urine testing, the UCSD Physician Well-Being
5 Committee issued respondent a Soberlink⁴ device to monitor respondent's sobriety on a daily
6 basis.

7 25. In January 2014, respondent returned to Thailand to participate in a substance abuse
8 treatment program at DARA for six (6) weeks.

9 26. On or about December 11, 2015, respondent was placed on summary suspension by
10 UCSD for failure to comply with her monitoring agreement, specifically, for failure to attend two
11 (2) group meetings and missing multiple Soberlink breath tests on nine (9) occasions within
12 fifteen (15) days.

13 27. On or about December 28, 2015, while en route to return to Promises, respondent
14 suffered hallucinations and was admitted to Aurora Las Encinas, a psychiatric hospital, for
15 detoxification.

16 28. On or about December 31, 2015, respondent was transferred from Aurora Las
17 Encinas to Promises where she participated in a substance abuse treatment program until May 7,
18 2016.

19 **Second DUI Arrest and Conviction**

20 29. On or about November 17, 2016, respondent was arrested for driving while under the
21 influence of alcohol. Upon exiting the freeway, respondent crashed into two parked cars and was
22 disoriented as to her whereabouts. Toxicology reports determined respondent's blood alcohol
23 level to be .23%.

24 30. On January 18, 2017, respondent plead guilty to driving with a blood alcohol level of
25 .08% or more in violation of Vehicle Code section 23152, subdivision (b). Respondent also
26 admitted her prior conviction of Vehicle Code section 23152, subdivision (b).

27 ⁴ Soberlink is a breath alcohol monitoring device that provides facial recognition technology to confirm
28 identity during each breath test and transmits test results wirelessly for monitoring.

1 **Mental Evaluation**

2 31. On or about January 22, 2017, respondent signed a voluntary agreement to undergo a
3 mental and physical evaluation pursuant to Business and Professions Code section 820.

4 32. Respondent's mental evaluation was scheduled for February 28, 2017, but respondent
5 missed her appointment.

6 33. On or about March 21, 2017, Dr. A.A. performed a mental evaluation of respondent.
7 Dr. A.A.'s evaluation consisted of a 2.5 hour face-to-face interview with respondent and a review
8 of respondent's substance abuse treatment records, respondent's subject interview transcript, and
9 other investigation materials.

10 34. Dr. A.A. opined respondent was not able to practice medicine safely. Specifically,
11 Dr. A.A. opined that respondent's mental illness, including her substance misuse, has impaired
12 her ability to practice medicine with safety to the public.

13 **Criminal Arrest and Conviction**

14 35. On or about September 3, 2017, respondent presented at U.S. HealthWorks Clinic to
15 provide a urine sample. While in the waiting room, respondent became disruptive and
16 argumentative with the clinic staff. Respondent called 911 and provided false statements of being
17 attacked and injured by clinic staff. Police responded and remained on site to keep the peace.
18 When respondent was informed her urine sample collection would be observed, respondent
19 became disruptive and pushed staff member, F.G. Officers placed respondent under arrest for
20 violating Penal Code section 243, subdivision (a), misdemeanor battery. Subsequent to arrest,
21 officers conducted a search of respondent's person and discovered a small container of urine in
22 respondent's bra.

23 36. The San Diego City Attorney filed a criminal complaint against respondent in the
24 matter of *The People of the State of California v. Michele Brown*, San Diego Superior Court Case
25 No. M238430. On or about October 16, 2017, respondent was convicted upon her plea of guilty
26 to fighting in public, in violation of Penal Code section 415, subdivision (1), a misdemeanor.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Conviction of a Crime Substantially Related to the Qualifications,**
3 **Functions or Duties of a Physician and Surgeon)**

4 37. Respondent has further subjected her Physician's and Surgeon's Certificate No.
5 A62756 to disciplinary action under sections 2227 and 2234, as defined by sections 2236,
6 subdivision (a), 2237, of the Code, and section 1360 of title 16 of the California Code of
7 Regulations, in that she has been convicted of a crime substantially related to the qualifications,
8 functions and duties of a physician and surgeon, as more particularly alleged in paragraphs 15
9 through 36, above, which are hereby incorporated by reference and realleged as if fully set forth
10 herein.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Use of Alcohol and/or Dangerous Drugs to an Extent or in a**
13 **Manner Dangerous or Injurious to Herself, Others, or the Public)**

14 38. Respondent has further subjected her Physician's and Surgeon's Certificate No.
15 A62756 to disciplinary action under sections 2227 and 2234, as defined by section 2239,
16 subdivision (a), of the Code, in that she used alcohol and/or dangerous drugs to an extent or in a
17 manner dangerous or injurious to herself, others, or the public, as more particularly alleged in
18 paragraphs 15 through 37, above, which are hereby incorporated by reference and realleged as if
19 fully set forth herein.

20 **THIRD CAUSE FOR DISCIPLINE**

21 **(Violations of the Medical Practice Act)**

22 39. Respondent has further subjected her Physician's and Surgeon's Certificate No.
23 A62756 to disciplinary action under sections 2227 and 2234, as defined by section 2234,
24 subdivision (a), of the Code, in that she has violated or attempted to violate a provision or
25 provisions of the Medical Practice Act, as more particularly alleged in paragraphs 15 through 38,
26 above, which are hereby incorporated by reference and realleged as if fully set forth herein.

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KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant